

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 7, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-29017 - APPLICANT/OWNER: SHREE GANESHA, INC.**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0-1/rt vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Supper Club use, including parking requirements.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. Prior to obtaining a Certificate of Occupancy, a barrier sufficient to prevent access to the bar area by minors shall be constructed between the bar area and the restaurant.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit to allow for a 3,312 square-foot Supper Club at 4450 North Tenaya Way within the Patel Office Building. The subject site has an office and retail/commercial building capable of accommodating a variety of uses including: retail sales, medical and professional offices, personal services, and restaurants. The addition of a Supper Club within this office/commercial building is compatible with the existing and future land uses. Therefore, staff recommends approval.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
02/15/93	The City Council approved a request for a Zoning Reclassification (Z-0105-93) of property (22 acres) generally located at the northwest corner of Craig Road and Tenaya Way from N-U (Non-Urban) to C-2 (General Commercial) zone for a proposed retail shopping center. [Application was amended to C-1 (Limited Commercial) by condition]. The Planning Commission recommended approval.
07/14/94	The Planning Commission approved (final action) a request for a Plot Plan and Building Elevation Review [Z-0105-93(1)] for a proposed 146,600 square-foot retail shopping center on the northeast corner of Craig Road and Tenaya Way.
10/02/96	The City Council approved a request for a Reinstatement and Extension of Time [Z-0105-93(2)] on property located on the northeast corner of Craig Road and Tenaya Way for an approved 146,600 square-foot commercial center. The Planning Commission recommended approval.
05/11/98	The City Council approved a request for a Special Use Permit (U-0136-97) for a car wash and the off-premise sale of alcohol in conjunction with a proposed convenience store and a request for a Site Development Plan Review [Z-0105-93(3)] for a proposed 84,279 square-foot commercial shopping center on the northeast corner of Craig Road and Tenaya Way. The Planning Commission recommended approval.
10/08/98	The Planning Commission approved (final action) a request for a Site Development Plan Review [Z-0105-93(4)] for a proposed 2,862 square-foot restaurant on the northeast corner of Tenaya Way and Craig Road.
05/24/99	The City Council approved a request for a Required One-Year Review [Z-0105-93(5)] for a Site Development Plan Review for a proposed 84,279 square-foot commercial shopping center on the northeast corner of Tenaya Way and Craig Road.

09/09/99	The Planning Commission approved (final action) a request for a Site Development Plan Review [Z-0105-93(6)] for a proposed 26,378 square-foot retail center on the northeast corner of Craig Road and Tenaya Way.
08/16/00	The City Council approved a request for an Extension of Time [U-0136-97(1)] for a Special Use Permit for the off-premise sale of beer and wine in conjunction with a proposed convenience store and a request for a Site Development Plan Review [Z-0105-93(7)] for a proposed 3,200 square-foot convenience store on the northeast corner of Craig Road and Tenaya Way. The Planning Commission recommended approval.
12/21/00	The Planning Commission approved (final action) a request for a Site Development Plan Review [Z-0105-93(8)] for a proposed 13,903 square-foot drug store on the northeast corner of the intersection of Craig Road and Tenaya Way.
02/15/06	The City Council approved a request for a Site Development Plan Review (SDR-10259) for a 53,531 square-foot commercial development and a Waiver of the parking lot landscape requirements on 3.67 acres adjacent to the northwest corner of Craig Road and Interstate 95. The Planning Commission recommended approval.
<b><i>Related Building Permits/Business Licenses</i></b>	
10/01/07	A building permit (#07002797) was issued for onsite improvements/hardscape at 4450 North Tenaya Way. The permit expired on 03/29/08.
10/01/07	A building permit (#07002796) was issued for an office/retail shell building #1 at 4450 North Tenaya Way. The building is currently under construction.
10/01/07	A building permit (#07002795) was issued for an office/retail shell building #2 at 4450 North Tenaya Way. The building is currently under construction.
10/01/07	A building permit (#07002798) was issued for two (2) trash enclosures at 4450 North Tenaya Way. The permit was completed on 10/23/08.
01/22/08	A building permit (#106359) was issued for a masonry wall – rear only at 4450 North Tenaya Way. The permit was completed on 08/13/08.
<b><i>Pre-Application Meeting</i></b>	
06/27/08	A pre-application meeting was held where the submittal requirements for a Special Use Permit were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	
<b><i>Field Check</i></b>	
10/29/08	A routine field check performed by staff revealed an office/retail complex currently under construction. No concerns were noted by staff.
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	3.42

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Lumber Yard	SC (Service Commercial)	C-1 (Limited Commercial)
South	Drug Store & Pharmacy / Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
East	Vacant Lot	SC (Service Commercial)	C-1 (Limited Commercial)
West	Vacant Lot / Pet Cemetery	L (Low Density Residential) & DR [(Desert Rural) Clark County]	R-E (Residence Estates) & R-E [(Rural Estates) Clark County]

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>	X		Y
Centennial Hills Sector Plan	X		Y
Northwest Open Space Plan	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O Airport Overlay District – 175 Feet	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>	X		N/A

#### **A-O Airport Overlay District – 175 feet**

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 175-foot contour limitations and does not violate the height limitations set forth by the Airport Overlay District as the subject building does not exceed the height limitation of 175 feet, and the proposed Special Use Permit does not alter the building height in any way.

***Pursuant to Title 19.10, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	49,647 sq. ft.	1:250	193	6	553	12	Y*
SubTotal			193	6	553	12	
TOTAL			199		565		
Loading Spaces	49,647 sq. ft.	3			4		Y

*\*The proposed Supper Club will be located within the Patel Office Building which is part of a commercial subdivision that has a shared parking agreement.*

## ANALYSIS

This request is for a Special Use Permit for a proposed Supper Club at 4450 North Tenaya Way. The proposed Supper Club is comprised of 3,312 square-feet, with seating for 155. The proposed floor plan includes a lounge and bar area with five gaming machines, multiple dining areas with a centrally located kitchen, and a customer waiting area with hostess counter within each proposed dining area. The two dining areas, the Thai Lotus and the Jaipur each have their own entrance, as well as the lounge and bar area, the Bombay Club.

- **Zoning**

The subject site is currently designated SC (Service Commercial), which is within the northwest Sector of the Las Vegas Master Plan 2020. The site's C-1 (Limited Commercial) zoning district is in conformance with the Las Vegas Master Plan 2020, and the Supper Club use is permitted in that district with the approval of a Special Use Permit.

The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This proposed site is located on the northeast corner of Craig Road (a 100-foot Primary Arterial) and Tenaya Way (a 60-foot Collector Street) and is part of a commercial subdivision.

- **Use**

A Supper Club is defined by Title 19 as a restaurant and bar operation with alcoholic beverage sales in which:

1. The bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors;
2. The actual seating available at all times within the restaurant area will accommodate at least one hundred twenty-five persons;
3. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
4. Full-course meals are available during all hours the bar area is open to the public;
5. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
6. The restaurant operation is the principal portion of the business.

The bar and lounge area is separated from both restaurant areas by a wall with access doorways from both the Thai Lotus Room and the Jaipur Room, preventing access to the bar area by minors. The actual seating available within the restaurant is 136. The remaining 19 seats account for 9 seats at the bar and 10 seats within the lounge area. The proposed Supper Club complies with conditions one and two. The City of Las Vegas Business Services - Licensing will do annual inspections to ensure compliance with the remaining conditions, three through six.

- **Minimum Special Use Requirements**

Title 19.04.010 lists the following Minimum Special Use Requirements for the Supper Club use:

1. No supper club use shall be located within 400-feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.
2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed Supper Club which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed Supper Club. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
  - a. Any leasehold parcel; or

- b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.
- 3. In the case of a Supper Club proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
  - a. From the nearest property line of the existing use to the nearest portion of the structure in which the Supper Club will be located, without regard to intervening obstacles, or nearest property line of a leasehold or occupancy parcel in which the Supper Club will be located, without regard to intervening obstacles.
  - b. In the case of a proposed Supper Club which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the Supper Club will be located, without regard to intervening obstacles.
- 4. When considering a Special Use Permit application for a Supper Club which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- \*5. In the O District, a Supper Club is permitted only as an accessory use.
- \*6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

\*Any condition with an asterisk cannot be waived.

The proposed use meets the minimum requirements of a Supper Club use, and staff finds that public health, safety, and welfare will not be compromised.

## FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Supper Club is located within an office and retail/commercial building that can accommodate a variety of uses including retail sales, medical and professional offices, personal services, and restaurants. The addition of a Supper Club within this commercial subdivision is compatible with the existing and future land uses as specified by the SC (Service Commercial) General Plan designation.

**2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed site is within an office and retail/commercial building that was designed to accommodate a variety of uses, including a Supper Club use, and conforms to both the General Plan and Title 19 land use designations of the site with the approval of a Special Use Permit.

**3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed Supper Club is located within the Patel Office Building that is adequately served by Craig Road, a 100-foot Primary Arterial, and Tenaya Way, a 60-foot Collector Street, as defined by the Master Plan Streets and Highways.

**4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed site is located within the Centennial Hills Sector of the Las Vegas 2020 Master Plan and is designated SC (Service Commercial). The site is in the C-1 (Limited Commercial) zoning district and is in conformance with the SC (Service Commercial) General Plan designation. The Supper Club use is permitted in that district with the approval of a Special Use Permit and will not compromise the public health, safety, and welfare or overall objectives of the General Plan.

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed Supper Club use meets all of the applicable conditions per Title 19.04.

**PLANNING COMMISSION ACTION**

The applicant agreed to all conditions imposed at the Planning Commission Meeting.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 6

**NOTICES MAILED** 780 by City Clerk

**APPROVALS** 1



